

***Waltham City Council Minutes of the meeting of Tuesday,  
November 26, 2012, City Council Chambers, 610 Main Street, Waltham***

President Pro-tem Doucette called the regular meeting of the Waltham City Council to order at 8:00 P.M. City Clerk Rosario C. Malone called the roll. Present at roll call were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Tarallo, Stanley, Vizard and Waddick.. (15)

The Clerk read the Council Prayer, and then the President led the City Council in the Pledge of Allegiance.

Councillor Giordano requested a moment of silence for our men and women in the armed services serving around the world. A moment of silence was observed.

Councillor Giordano requested a moment of silence prayer for Wayne Brasco who was in the hospital.

Councillor Romard requested a moment of silence for Carol LeBlanc Antico and her family. Councillor Romard praised Carol on her dedication to the city during her life.

Councillor Giordano moved to accept the minutes from November 26, 2012. On a voice vote, the minutes were accepted.

Clerk read Rule 29 A

**Public Hearing-**

**Street Opening – Parmenter Road**

Due notice having been given, President Waddick opened the public hearing on the petition by Silvestre Buscemi, Jr., 30 High Street, Waltham, petitions the Waltham City Council for permission under the provisions of Section 17-25 for utility work. The property is numbered 61 Parmenter Road. All work and resurfacing to be done in accordance with the provisions of said Section 17-25. President Waddick opened the public hearing to those wishing to speak in favor of the petition. Speaking in favor was Michael Armstrong, 61 Parmenter Road. No one stood in favor. No one spoke or stood in opposition. President Waddick closed that part of the public hearing and opened it to questions from Councillors. Councillor Rourke, as Ward Councillor, had several questions. What the size of the area to be opened, response was 43 by 25? Would it need to be opened again? Response was yes. Councillor Tarallo inquired if a small lot decision was completed. Response was it was completed. Councillor Rourke moved for approval without committee reference. On a voice vote, the rules were suspended. Councillor Rourke moved for approval. On a voice vote, the order was approved. Order # 31826

**EXTENDED HOURS - Work Out World**

Due notice having been given, President Waddick opened the public hearing on the petition by TC Saracen, LLC in care of Saracen Properties, LLC, 2 Oliver Street, 6<sup>th</sup> Floor, Boston, MA 02109 and Work Out World – V Fitness hereby petitions the City Council for Extended Retail Hours under the provisions of Chapter 8 article XIII for 47 Foundry Avenue to remain open between the hours of 5:00 AM to 6:00 AM. The property is located at 47 Foundry Avenue. The deed for said property with Middlesex South District Deeds in Book 50611 Page 375-383. Parcel ID R071 003 0019. The property is in an Industrial Zone. President Waddick opened the public hearing to those wishing to speak in 11-26-2012 minutes

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favor of the petition. Speaking in favor was Brad Keene, Attorney for the petitioner. No one spoke or stood in opposition. President Waddick closed that part of the public hearing and opened it to questions from Councillors. Councillor Marchese thanked the petitioner for all their work with the neighbors. Councillor LeBlanc inquired as to how many Waltham residents were members. The response was about ½ of the 10,000 members. President Waddick closed public hearing and referred the petition to the Licenses and Franchises Committee.

**Pre-Development Review**

Due notice having been given, President Waddick opened the public hearing on the petition by CHB Properties, Inc. (“Children’s Waltham”), c/o The Children’s Hospital Corporation Massachusetts, 300 Longwood Avenue, Boston, MA as the owner of 9 Hope Avenue, which contains 486,722 ± SF (11.17 ± acres) and is shown in the “Atlas City of Waltham, Massachusetts” as Map 67, Block 14, Lot 8; Map 67, Section 14, Lot 7 (partial); Map 68, Section 13, Lot 1; Map 68, Section 13, Lot 1A; and Map 68, Section 13, Lot 2 hereby petitions the Waltham City Council for Pre-Development Review pursuant to paragraph III, subparagraph 2 of the “Restrictive Covenants (HR2)”, between Hope Avenue, LLC and the City of Waltham, dated June 6, 2002, and recorded in the Middlesex South District Registry of Deeds in Book 35635, Page 375. Such Pre-Development Review is of the Children’s Waltham proposal to construct, use and occupy and maintain: (i) approximately 165,000 SF of new hospital clinical space (including three new stories of hospital space in the location of the existing Nichols North, Deever and Sanderson buildings); (ii) approximately 23,000 SF of support space (including a new entry pavilion and loading area); and (iii) approximately 14,000 square foot of floor area for a co-generation plant (to replace the existing power plant). Children’s Waltham proposal also includes the demolition of approximately 92,000 existing square feet of floor area of the existing facility, which is located along the Highland Street portion of the Property. The demolition of this space and the above-referenced potential development program would have the result of creating approximately 110,000 net new square feet of floor area. The proposal also includes an integrated parking garage containing up to 993 spaces. President Waddick opened the public hearing to those wishing to speak in favor of the petition. Speaking in favor were Robert E. Connors, Attorney for the petitioner and Charles Weinstein, Vice President of Real Estate Planning and Development for Children’s Hospital. Speaking opposition to the project was Fran McElligott, 37 Highland Street, Waltham. Two stood in favor of the project. One stood in opposition to the project. President Waddick closed that part of the public hearing and opened it to questions from Councillors. Councillor Logan explained that this was a Pre-Development Review. Rosario C. Malone, City Clerk assured the Councillors that all the required department were notified for their comments. Councillor Tarallo reminded the council there was a time constraint on the review of project. Councillor LeBlanc thanked Children’s Hospital for the service to the community. Councillor Curtin had concerns regarding Newton Wellesley Urgent Care facility at the site. Councillor McMenimen thanked Children’s Hospital for and service to the community. Councillor Darcy inquired to have a train stop at the hospital site for the residents. President Waddick closed the public hearing and referred the matter to the Ordinance and Rules Committee.

**Communications from the Mayor**

The Clerk read the following communications from the Mayor and each, in turn, was referred to the appropriate committee by President Waddick as indicated below:

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**1.** Respectfully request pursuant to Sec. 305 of the City Charter the appointment of Keith MacPherson as Acting Police Chief.

Referred to the Committee of the Whole

Councillor and City Council Vice President Doucette roused to state that he had a conflict of interest on the next few communications. His wife worked for the city. City Council President Waddick stated the same, his wife worked for the City Council.

Councillor Curtin assumed role as City Council President Pro- Tem.

**2.** Respectfully request adoption of the salary rate schedule for the non-union employees commencing July 1, 2012.

Referred to the Finance Committee

**3.** Respectfully request a transfer of funds totaling \$ 327,400.00 to fund compensation increases for Non-Union employees for the period July 1, 2011 to June 30, 2013.

Referred to the finance Committee

**4.** Respectfully request a transfer of funds totaling \$11,000.00 to fund the collective bargaining agreement between the City and the School Traffic Supervisors Union for the period July 1, 2010 to June 30, 2013.

From: Mayor- Contingency / Collective Barg.                   #001-121-5400-5111 \$11, 000.00

To: Police – PT salary   #001-210-5100-5121 \$11, 000.00

Referred to the finance Committee

***Licenses All license are referred to the License and Franchises Committee***

Renewal of Lodging House License for George Kimball 52-54 Bedford

Renewal of Lodging House License for Brandeis Dorms

Extend Hour Renewal for the New Dragon Chef, 671 Moody Street.

**New Business**

Stellar Restaurant Group, Inc. d/b/a Boloco, 2 Park Place, Boston, MA 02116 and Somerset Waltham LLC, 411 Waverly Oaks Road, Suite 340, Waltham, MA 02452 hereby petition the City Council with a request to withdraw a special permit with mutual agreement for property located at 475 Winter Street.

Councillor Tarallo moved to act on the withdrawal without committee reference. On a voice vote, the rules were suspended. Councillor Tarallo moved to grant the withdrawal. The roll was called. Voting for the withdrawal were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Stanley , Tarallo, and Vizard. By a 14 to 0 vote, the withdrawal was granted. Order # 31829

Communication from the City Clerk recommending the adoption of the State Elections results. Councillor Tarallo moved to place the matter on the table until the end of the meeting. On a voice vote, the matter was tabled.

Mass Port Letter request from Mohamed Darradji, 356 Lincoln Street, Waltham.

Referred tot the Licenses and Franchises Committee

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**Community Preservation Committee**

The Community Preservation Committee recommended that the City Council approve the Gore Place Society Carriage House application in the amount of \$250,000.00.

The Community Preservation Committee recommended that the City Council approve from the Mayor for the Waltham Paine Estate – Universal Access Improvements Elevator and Toilet Rooms in the amount of \$354,200.00.

Referred to the Long Term Debt Committee

**Resolutions**

Resolution presented by Councillor Doucette commending the graduates of the 2012 Citizens Police Academy. Councillor Doucette moved to adopt the resolution without committee reference. On a voice vote, the rules were suspended and the resolution was adopted.

**Committee Reports**

**Ordinances and Rules**

The Ordinances and Rules Committee recommended that TC Saracen, LLC, 6 Oliver Street, Boston MA 02109, be granted a special permit

Councillor Tarallo moved that the action of the committee be the action of the City Council.

Councillor Marchese submitted an amendment to Section GG of the special permit GG by inserting regulation or before the word removal. Councillor Darcy had concerns regarding the AUL. Councillor Darcy moved to amend the special permit by adding more details and posting warnings regarding the property. After a lengthy debate, the roll was called. Voting for the amendment by Councillor Darcy were Councillors Darcy, McMenimen, Romard, and Vizard. Voting nay were Councillors Brasco, Curtin, Doucette, Giordano, LeBlanc, Logan, Marchese, Rourke, Stanley, and Tarallo. By a 4 to 10 vote, the amendment did not carry. Councillor Tarallo motioned to move the question. The roll was called. Voting to move the question were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Stanley, Tarallo and Vizard. By a 14 to 0 vote the question was moved. The roll was called voting for granting the special permit as amendment by Councillor Marchese were Councillors Brasco, Curtin, Doucette, Giordano, LeBlanc, Logan, Marchese, Rourke, Stanley, and Tarallo. Voting nay were Councillors Darcy, McMenimen, Romard, and Vizard. By a 10 to 4 vote, the special permit was granted. Order # 31835

The Ordinances and Rules Committee recommended that TC Saracen, LLC, 6 Oliver Street, Boston MA 02109, be granted a fuel storage License

Councillor Tarallo moved the action of the committee be the action of the City Council. The roll was called. Voting for the granting of the fuel storage were Councillors Brasco, Curtin, Doucette, Giordano, LeBlanc, Logan, Marchese, Rourke, Stanley and Tarallo. Voting nay were Councillors Darcy, McMenimen, Romard, and Vizard. By a 10 to 4 vote, the fuel storage license was granted.

The Ordinances and Rules Committee recommended that the modification for the special permit for 1030 Main Street City Council Order # 31635 for reduction in size of building be approved. Councillor Tarallo moved the action of the committee be the action of the City Council. The roll was called voting yea were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Stanley, Tarallo, and Vizard. By a 14 to 0 vote, the modification was granted. Order # 31827

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The Ordinances and Rules Committee recommended that the resolution regarding CVS compliance be placed on file.

Councillor Tarallo moved the action of the committee be the action of the City Council. On a voice vote, the resolution was filed.

**Finance Committee**

The Finance Committee recommended that the City Council transfers \$24,000.00 from account # 310-192-2006-6261 Buildings Renovations – 25 Lexington Street to account #310-192-2006-6267 Building Renovations – Bank School for the asbestos abatement project.

Councillor Curtin moved the action of the committee be the action of the City Council. On a voice vote, the order was adopted. Order # 31830

**RFP Committee from 11-13-2012**

RFP Committee recommends that the RFP for 92 Felton Street be rejected.

Councillor Tarallo moved the action of the committee be the action of the council.

On a voice vote, the RFP was rejected.

Councillor Stanley moved to take a resolution off the Committee of the Whole regarding a master traffic plan. On a voice vote, the resolution was taken off the table. Councillor Stanley moved to send a request to the Traffic Engineer to attend the Committee of the Whole meeting on February 4, 2013. On a voice vote, the request was adopted.

Councillor Tarallo moved to take the election order off the table. On a voice vote the order was taken off the table. Councillor Tarallo moved for approval without committee reference.

On a voice vote, the rules were suspended. On a voice vote, the order was adopted.

Order # 31828

Councillor Darcy moved to adjourn. On a voice vote, the meeting adjourned at 11:00 PM.